

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ANN SEKMISTRZ,

Plaintiff,

Case No. 22-11438

v.

HON. MARK A. GOLDSMITH

CITY OF MELVINDALE et al.,

Defendants.

_____ /

ORDER DENYING MOTION TO DISMISS (Dkt. 28) WITHOUT PREJUDICE

Defendants City of Melvindale and Richard Ortiz filed a joint motion to dismiss in the above-captioned action on November 29, 2023 (Dkt. 28). This motion raised an issue regarding, among other things, a purported insufficiency of the pleadings under Federal Rule of Civil Procedure 8 and Ashcroft v. Iqbal, 556 U.S. 662 (2009).

The Court issued an Order allowing Plaintiff to file an amended complaint in light of the Defendants' motion. See 12/15/2023 Order (Dkt. 29). Without expressing any view of the merits of the motions to dismiss, the Court stated that "[i]f Plaintiff timely files an amended complaint, the Court will deny without prejudice the currently pending motion to dismiss as moot." Id. at 1–2.

On December 20, 2023, Plaintiff timely filed an amended complaint (Dkt. 30). Accordingly, the Court denies without prejudice Defendants' motion to dismiss (Dkt. 28). The briefing schedule set forth in Local Rule 7.1(e) shall apply to Defendants' subsequent motion to dismiss (Dkt. 31).

SO ORDERED.

Dated: January 9, 2024
Detroit, Michigan

s/Mark A. Goldsmith
MARK A. GOLDSMITH
United States District Judge